

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
MACON DIVISION**

JOSEPH BALLARD,	:	
	:	
Movant,	:	
	:	
v.	:	No. 5:19-cr-00076-TES-CHW-1
	:	Civil Case No.: 5:24-cv-268-TES-CHW
UNITED STATES OF AMERICA,	:	
	:	Proceedings Under 28 U.S.C. § 2255
Respondent.	:	Before the U.S. Magistrate Judge
	:	

ORDER

The Government has filed a motion to dismiss (Doc. 77) asserting that Movant's federal habeas petition (Doc. 74) should be dismissed as untimely. Since Movant is proceeding *pro se*, the Court deems it appropriate and necessary to advise Movant of his obligation to respond to the motion, and of the consequences he may suffer if he fails to file a response.

Therefore, Movant is advised:

- (1) that a motion to dismiss has been filed;
- (2) that Movant has the right to oppose the granting of this motion; and
- (3) that if Movant fails to oppose the motion, it may be construed as unopposed.

Movant also is advised that, under the procedures and policies of this Court, motions to dismiss generally are decided on the briefs. That is, the Court considers the parties' written filings in deciding whether a dismissal is appropriate. Therefore, the failure of Movant to respond, in writing, to the motion to dismiss may result in the granting of the motion without a hearing or any further proceedings.

Accordingly, Movant is hereby **ORDERED AND DIRECTED** to file a written response to the Government's motion to dismiss **within twenty-one days of this order**. Thereafter, the

Court will consider the motion and any opposition to it filed by Movant. If no written response is submitted, then the Court will consider the motion to be uncontested.

SO ORDERED, this 7th day of October, 2024.

s/ Charles H. Weigle
Charles H. Weigle
United States Magistrate Judge